

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

JAMES P. LUNDSFORD, individually)	
and on behalf of all others similarly)	
situated,)	
)	
Plaintiff,)	No. 3:04-cv-442
)	
v.)	
)	
CALLAWAY GOLF COMPANY, a)	
Delaware corporation and CALLAWAY)	
GOLF SALES COMPANY, a California)	
Corporation,)	
)	
Defendants.)	

ORDER

For the reasons set forth in the Memorandum Opinion this day passed to the Clerk for filing, it is hereby ORDERED that the motion for partial summary judgment [Court File #11] is DENIED and the motion for class certification [Court File #14] is DENIED. The court finds that plaintiff has not sustained the burden of proving that summary judgment is due under Rule 56 or that this case should be certified as a class action under Rule 23 of the Federal Rules of Civil Procedure. Plaintiff's motion to amend his complaint [Court File #54] is also DENIED.

E N T E R :

s/ James H. Jarvis
UNITED STATES DISTRICT JUDGE